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|---|---------------|----------------------|--------------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
| 10/616,124  | 07/08/2003    | Marvin T. Ling       | GTX-005                  | 2215             |
| 74877   | 7590          | 02/13/2009           | EXAMINER                 |                  |
| King and Spalding LLP<br>1700 Pennsylvania Ave, NW<br>Suite 200<br>Washington, DC 20006 |               |                      | CHEUNG, MARY DA ZHI WANG |                  |
| ART UNIT  | PAPER NUMBER  |                      |                          |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/616,124 | <b>Applicant(s)</b><br>LING, MARVIN T. |
|                              | <b>Examiner</b><br>MARY CHEUNG       | <b>Art Unit</b><br>3694                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 December 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Status of the Claims***

1. This action is in response to the RCE filed on December 19, 2008. Claims 1-5 and 7-24 are pending. Claims 12-24 are withdrawn. Claim 6 is canceled. Claim 1 is amended. Claims 1-5 and 7-11 are examined.

***Response to Arguments***

2. Applicant's arguments filed December 19, 2008 have been fully considered, and they are partially moot in view of new grounds of rejection and partially not persuasive.

In response to the applicant's arguments that the cited prior art fail to teach authorizing a sub-account to independently transfer electronic tokens to the sub-account, Cohen clearly teaches this limitation by allowing the user to customize parameters for sub-accounts that including designating who has ability to deposit money to the account (¶ 106).

In response to the applicant's argument that Russell fails to disclose sending notification when predetermined types of transactions are made, Russell teaches insufficient balance transaction or a transaction triggers low balance, a notification will be sent to the parent (¶ 74, 76). Thus, the teaching of Russell satisfies this limitation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988 )and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Cohen, US 2003/0097331 A1.

As to claim 1, Rowe teaches a system for facilitating electronic commerce among users, a service provider and vendors, wherein each user has established a primary account with the service provider, the system comprising (¶ 52, 135; “*primary account*” corresponds to the customer account or master account in Rowe’s teaching):

- a plurality of vendor computers, each vendor computer programmed to provide a website at which a user at a user device may purchase goods or services (¶ 135, 170);
- a service provider computer at which the user has established a primary account, the service provider computer programmed to permit the user to establish a sub-account under the primary account, the primary account and sub-account having a prepaid value in the form of electronic tokens, wherein the user may specify a subset of the plurality of vendor computers that are the only vendor computers from which purchases may be made using the sub-

account (¶ 52, 122, 135 and Fig. 2E; “*sub-account*” corresponds to the *sub or allowance account* in Rowe’s teaching); and

- a communications network enabling the user device to communicate with the plurality of vendor computers (Fig. 2E).

Rowe does not specifically teach the service provider computer is programmed to permit the user to authorize the sub-account to independently add funds. However, Cohen teaches this matter (¶ 106). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowel to include the teachings of Cohen because such a modification would allow Rowe to have the ability to designate who can add funds and transfer funds to the sub-account for better customize parameters for each sub-account.

As to claim 2, Rowe teaches the service provider computer is programmed to permit the user of the primary account to transfer electronic tokens to the sub-account from the primary account (¶ 52).

As to claim 3, Rowe teaches the service provider computer is programmed to permit the user to specify a plurality of authorized users for the sub-account (¶ 52).

As to claim 5, Rowe does not specifically teach the service provider computer is programmed to permit the user to authorize the sub-account to establish a further sub-account subordinate to the sub-account. However, Cohen teaches this matter (¶ 202). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in Rowe’s teaching to include the feature of authorizing the

sub-account to establish a further sub-account subordinate to the sub-account as taught by Cohen for better control the spending in the sub-account.

As to claim 7, Rowe does not specifically teach the service provider computer is programmed to permit a user of the sub-account to modify secured information of the sub- account. However, Cohen teaches this matter (¶ 193-194). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user of the sub-account in Rowe's teaching to include the feature of modifying secured information of the sub- account as taught by Cohen for better control the spending in the sub-account.

5. Claims 4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Cohen, US 2003/0097331 A1, and in further view of Russell, US 2001/0047310 A1.

As to claim 4, Rowe teaches the service provider computer is programmed to permit the user to specify a spending limit for the sub-account (¶ 129). Rowe modified by Cohen does not specifically teach the spending limit is on per transaction, per day, per week, and per month basis. However, this matter is taught by Russell as the user is permitted to set spending limit as desired, such as on per transaction, per day, and per week basis (¶ 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in the teachings of Rowe modified by Cohen to set the spending limit as desired on taught by Russell for better control the sub-account's spending.

As to claim 9, neither Rowe nor Cohen nor Russell teaches periodically sending notifications to the primary account user that list all transactions of the sub-account. However, Russell teaches periodically check the account and sending notifications to the primary account user (¶ 30). Russell further teaches records all the transactions for the sub-account (¶56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Rowe modified by Cohen and Russell to include the feature of periodically sending notifications to the user that list all transactions of the sub-account so that the primary account user can better monitor transactions of the sub-account.

As to claim 10, Rowe modified by Cohen does not specifically teach the service provider computer is programmed to send a notification to the user of the primary account when predetermined types of transactions are made in the primary account or in the sub-account. However, Russell teaches this matter (¶ 30, 74-76). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Rowe modified by Cohen to include the feature of sending a notification to the user of the primary account when predetermined types of transactions are made in the primary account or in the sub-account for allowing the primary account user efficiently managing the accounts.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Cohen, US 2003/0097331 A1, and in further view of Russell, US 2001/0047310 A1 and Nagy et al., US 2003/0119478 A1.

As to claim 8, Rowe teaches accounts are set to have a maximum funds limit (¶ 16-18). Rowe modified by Cohen does not explicitly teach the service provider computer is programmed to permit the user to configure the sub-account to automatically add funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum balance. Russell teaches permit the user to configure the sub-account to automatically add funds to the sub-account if a balance of the sub-account falls below a minimum balance (¶ 30, 53). Russell does not specifically teach the automatically adding funds happen during a transaction. However, Nagy teaches permitting a user to add funds to an account during a transaction when the balance of the account falls below a minimum balance (¶ 61-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow automatically add funds featured in Russell's teaching to be performed during a transaction as taught by Nagy so that the funds can be quickly replenished. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Rowe modified by Cohen to include the feature of automatically adding funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum balance as taught by the combined teaching of Russell and Nagy for allowing the primary account user efficiently managing the sub-account.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Cohen, US 2003/0097331 A1, and in further view of Russell, US 2001/0047310 A1 and Official Notice.

As to claim 11, Rowe modified by Cohen does not specifically teach the service provider computer is programmed to send a notification to the user of the primary account, the notification including a link that the user may activate to lock the sub-account. Russell teaches sending notification the user of primary account regarding an upcoming event, and the primary account user has option to fund the event directly through the service provider computer (Fig. 11); the primary account user also has option to disallow the sub-account user to make any purchases (¶ 28). Russell does not specifically teach the notification including a link. The examiner takes Official Notice it is well known in the art that notification has a link. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the notification in Russell's teaching to include a link so that the information associated with the link can be conveniently embedded with the notification. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Rowe modified by Cohen to include the features as taught by Russell and Official Notice so that the primary account user can efficiently managing the sub-account.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300      (Official Communications; including After Final  
Communications labeled "BOX AF")  
(571) 273-6705      (Draft Communications)

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
February 11, 2009